

REMARKS

In the Office Action¹, the Examiner rejected claims 1-7, 9-45, and 47-59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0167229 to *Ludwig et al.* ("*Ludwig*").

Applicants have amended claims 11, 16, 23, 28, 33, 49, and 54. Claims 1-7, 9-45, and 47-59 remain pending.

Applicants respectfully traverse the rejection of claims 1-7, 9-45, and 47-59 under 35 U.S.C. § 102(e) as anticipated by *Ludwig*. In order to properly establish that *Ludwig* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Ludwig fails to teach each and every element of claim 1. Claim 1 recites a method including, for example, "receiving a request . . . wherein the request includes a tag that indicates a response format associated with the requesting entity." *Ludwig* does not disclose at least this element of Applicants' claimed invention.

The Examiner appears to make two arguments. First, the Examiner, apparently relying on paragraph 0089 of *Ludwig*, alleges that "Ludwig discloses mark as corresponding to tag" (Office Action at page 2). However, this is not correct.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Ludwig discloses that a “template settings area may contain the following exemplary controls . . . : fields and export order (may contain a listbox of the available invoice fields and an ordered listbox of fields *marked* for export with two buttons for moving fields between listboxes; up and down buttons may allow the field export order to be changed); and file formats (a listbox that allows the file format to be selected)” (paragraph 0089) (emphasis added).

Even if it could be reasonably argued that “an ordered listbox of fields marked for export” as taught in *Ludwig* could be reasonably a “tag,” which the Applicants do not concede, “an ordered listbox of fields marked for export” cannot constitute a “tag that indicates a response format” (emphasis added) as recited in claim 1.

Secondly, the Examiner appears to alternatively allege that a “listbox that allows the file format to be selected” as taught in *Ludwig* constitutes a “tag that indicates a response format” as recited in claim. However, this is also not correct.

Even assuming that the “file format” of *Ludwig* could correspond to the claimed “response format,” which the applicants do not concede, a “listbox that allows the file format to be selected” cannot constitute a “tag that indicates a response format” (emphasis added) as recited in claim 1. Therefore, *Ludwig* fails to teach each and every element of claim 1.

Accordingly, *Ludwig* cannot anticipate claim 1. Claim 33, 34, 38, 39, and 59, though of different scope than claim 1, recite similar elements, and are thus allowable over *Ludwig* for at least the same reason as claim 1. Claims 2-10, 35-36, and 40-48 depend from base claims 1, 34, and 39 respectively, and are thus allowable over *Ludwig* for at least the same reason as claim 1.

Ludwig also fails to teach each and every element of claim 11. Claim 11, as amended, recites a method including, for example, “converting the response message to a second format based on a tag included in the request message.” *Ludwig* does not disclose at least this element of claim 11.

Ludwig discloses that “content may be transformed into an XML message compliant with the schema needed for making a remote processing call to the application server at step 67 if it did not validate at step 64” (paragraph 0027). *Ludwig* also discloses that an “invoice module may then identify the accounting system format and run an appropriate translation program . . . to convert to invoice loader format” (paragraph 0036). However, *Ludwig* does not disclose “converting the response message to a second format based on a tag included in the request message” (emphasis added) as recited in claim 11.

Accordingly, *Ludwig* cannot anticipate claim 11. Claims 16, 23, 28, 37, 49, and 54, though of different scope than claim 11, recite similar elements, and are thus allowable over *Ludwig* for at least the same reason as claim 11. Claims 12-15, 17-22, 24- 27, 29-32, 50-53, and 55-58 depend from base claims 11, 16, 23, 28, 49, and 54 respectively, and are thus allowable over *Ludwig* for at least the same reason as claim 11.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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